

301 KAR 2:090. Means by which migratory game birds may be taken.

RELATES TO: KRS 150.010, 150.025, 150.330, 150.360

STATUTORY AUTHORITY: KRS 13A.350, 150.025

NECESSITY, FUNCTION, AND CONFORMITY: This administrative regulation pertains to the means by which migratory game birds, doves, woodcock and snipe, and migratory waterfowl, ducks, geese, coots, gallinules and Virginia and Sora rails, may be taken. This administrative regulation is necessary for the continued protection and conservation of the migratory birds listed herein, and to insure a permanent and continued supply of the wildlife resource for the purpose of furnishing sport and recreation for present and future residents of the state. The methods and means listed are in compliance with, and dictated by, federal regulations promulgated by the United States Fish and Wildlife Service. The function of this administrative regulation is to provide for the prudent taking of migratory birds within reasonable limitations based upon an adequate supply.

Section 1. (1) Migratory birds on which open seasons are prescribed may be taken by any method except those prohibited in this section:

(2) Prohibited hunting methods. Migratory game birds and migratory waterfowl may not be taken:

(a) With a trap, snare, net, crossbow, rifle, pistol, swivel gun, shotgun larger than ten (10) gauge, punt gun, battery gun, machine gun, fish hook, poison, drug, explosive, or stupefying substance;

(b) With a shotgun of any description capable of holding more than three (3) shells, unless it is plugged with a one (1) piece filler, incapable of removal without disassembling the gun, so its total capacity does not exceed three (3) shells;

(c) From or by means, aid, or use of a sinkbox or any other type of low floating device, having a depression affording the hunter a means of concealment beneath the surface of the water;

(d) From or by means, aid, or use of any motor vehicle, motor-driven land conveyance, or aircraft of any kind;

(e) From or by means of any motorboat or other craft having a motor attached, or any sailboat, unless the motor has been completely shut off and/or the sails furled, and its progress therefrom has ceased; provided, that a craft under power may be used to retrieve dead or crippled birds; however, crippled birds may not be shot from such craft under power;

(f) By the use or aid of live birds as decoys; although not limited to, it shall be a violation of this paragraph for any person to take migratory waterfowl on an area where tame or captive live ducks or geese are present, unless such birds are and have been for a period of ten (10) consecutive days prior to such taking, confined within an enclosure which substantially reduces the audibility of their calls and totally conceals such birds from the sight of wild migratory waterfowl;

(g) By the use or aid of recorded or electrically amplified bird calls or sounds, or recorded or electrically amplified imitations of bird calls or sounds;

(h) By the means or aid of any motor-driven land, water, or air conveyance or any sailboat used for the purpose of or resulting in the concentration, driving, rallying, or stirring up of any migratory bird; or

(i) By the aid of baiting or on or over any baited area. As used in this paragraph, "baiting" shall mean the placing, exposing, depositing, distributing, or scattering of shelled, shucked, or unshucked corn, wheat or other grain, salt, or other feed so as to constitute for such birds a lure, attraction or enticement to, on or over any areas where hunters are attempting to take them; and "baited area" means any area where shelled, shucked, or unshucked corn, wheat or other grain, salt, or other feed whatsoever capable of luring, attracting, or enticing such birds is directly or indirectly, placed, exposed, deposited, distributed, or scattered; and such area shall remain a baited area for ten (10) days following complete removal of all such corn, wheat or other grain, salt, or other feed. However, nothing in this paragraph shall prohibit:

1. The taking of all migratory game birds, including waterfowl, on or over standing crops, flooded standing crops, including aquatics, flooded harvested croplands, grain crops properly shocked on the field where grown, or grains found scattered solely as the result of normal agricultural planting or harvesting; and

2. The taking of all migratory game birds, except waterfowl, on or over any lands where shelled, shucked, or unshucked corn, wheat or other grain, salt, or other feed has been distributed or scattered as the result of bona fide agricultural operations or procedures, or as a result of manipulation of a crop or other feed on the land where grown for wildlife management purposes; provided, that manipulation for wildlife management purposes does not include the distribution or scattering of grain or other feed once it has been removed from or stored on the field where grown;

(j) Except from a pit or blind in Ballard County only, as prescribed in 301 KAR 2:055. This method of taking applies only to waterfowl.

Section 2. Transporting, Importing and Exporting. (1) Migratory game birds lawfully killed and possessed in accordance with the hunting laws and regulations of any foreign country or any state in the United States or subdivision thereof, must be imported, exported, or transported in accordance with the provisions specified in Title 50, Chapter 1, Subchapter B, Part 20 of the Code of Federal Regulations.

(2) No person shall transport within the United States any migratory game birds, except doves, unless the head or one (1) fully feathered wing remains attached to each such bird at all times while being transported from the place where taken until they have arrived at the personal abode of the possessor or a commercial preservation facility.

Section 3. Tagging and Recordkeeping Requirements. (1) No person shall put or leave any migratory game birds at any place, other than at his personal abode, or in the custody of another person for picking, cleaning, processing, shipping, transportation, or storage, including temporary storage, or for the purpose of having taxidermy services performed, unless such birds have a tag attached, signed by the hunter, stating his address, the total number and species of birds, and the date such birds were killed. Migratory game birds being transported in any vehicle as the personal baggage of the possessor shall not be considered as being in storage or temporary storage.

(2) No person shall receive or have in custody any migratory game birds belonging to another person unless such birds are tagged as required under subsection (1) of this section.

(3) No person shall transport migratory game birds belonging to another person unless such birds are tagged as required under subsection (1) of this section.

Section 4. Commercial Preservation Facilities. (1) No commercial preservation facility shall receive or have in custody any migratory game birds unless such birds are tagged as required in Section 3(1) of this administrative regulation.

(2) No commercial preservation facilities shall:

(a) Receive or have in custody any migratory game birds unless accurate records are maintained showing the number of each species; the date such birds were received; the name and address of the person from whom such birds were received; the date such birds were disposed of; and the name and address of the person to whom such birds were delivered.

(b) Destroy any records required to be maintained under this section for a period of one (1) year following the last entry on the record.

(c) Prevent any person authorized to enforce this administrative regulation from entering such facilities at all reasonable hours and inspecting the records and the premises where such operations are being carried on.

Section 5. Wanton Waste Law. No person shall kill or cripple any migratory game bird pursuant to this administrative regulation without making a reasonable effort to retrieve the bird and include it in his daily bag limit. (KFWR-G-102; 1 Ky.R. 732; eff. 5-14-75.)